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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/036,501	03/06/1998	DAVID S. LOURIE	42390.P5104	6042

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/036,501

Applicant(s)

Lourie et al.

Examiner

Luong Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 3, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 18, 19, and 21-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18, 19, and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 15-16, 18-19, 21-24 filed on 12/03/2002 have been considered but are moot in view of the new ground(s) of rejection.

Upon reconsideration of the rejection as made in the final rejection mailed on 10/02/2002, the Examiner does not find that Stedman et al., the primary reference, is necessary to the rejection. The claims are written broadly enough as to read on Brown patent and Ng patent without necessitating Stedman et al. patent.

Stedman et al. is used in the rejection to disclose a computer system. However, Brown discloses the video cassette recorder 11 which is turned on/off by the video camera 1 (figure 1, column 3, lines 20-30). And it is well known in the art that a video cassette recorder can be called a computer system as disclosed in Ng (US 6, 058,238). Therefore, the final rejection made on 10/02/2002 is withdrawn, and a non-final rejection is made as discussed below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-16, 18-19, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,455,561) in view of Ng (5,731,832).

Regarding claim 15, Brown discloses a video camera surveillance system comprising memory, disclosed as frame recorder 4 (figure 1, column 4, lines 34-45); processor, disclosed as change detector 7 which compares the difference signal between a frame from the series of frames subsequent to the reference frame and the reference frame, and generates an output signal line 19 if the difference is beyond a preset threshold (figures 1-2, column 4 line 53 through column 5, line 25; column 7, line 67 through column 8, line 7). Brown discloses that when the discrepancy count value (the difference signal from the reference frame) below the minimum required to generate an alarm condition, the alarm condition is removed from signal line 19 and this causes the turning off of the video cassette recorder 11 (figures 1-2, column 6, lines 15-31, causing the computer system to transition from an active to an inactive mode). Brown also disclose the combination of frame recorder 4 and change detector 7 which operate in the inactive mode when the discrepancy count value exceeds the minimum, then an alarm signal is generated on signal line 19 to activate video cassette recorder 11 to record all activity in the monitored scene (figures 1-2, column 5, line 59 through column 6, line 15, causing the computer system to exit the inactive mode).

Brown does not disclose the video tape recorder 11 is a computer system. However, Official Notice is taken that it is well known in the art to program a video tape recorder

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(computer system) in order to control the recording of video program. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to program a video tape recorder in order to control the recording of video program.

Brown fail to specifically disclose the difference weighted average of brightness of the two frames differing by a predetermined amount. However, Ng teaches the difference between the current frame and the reference frame is determined on a pixel-by-pixel basis, and the pixel value indicates the luminance level or brightness level (column 6, lines 12-17, column 7, lines 10-28), and a motion detection signal is generated if the difference between the current frame and the reference frame exceeds a threshold (see abstract, difference weighted average of brightness of the two frames differing by a predetermined amount). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Brown by the teaching of Ng in order to provide a system capable of immediately identifying changes in an image represented by a video signal (column 1, lines 49-51).

Regarding claim 16, Brown discloses reset circuitry coupled to the processor to power up the computer system to exit the inactive mode (circuitry for generating an alarm and/or turn on a video cassette recorder, figure 1, column 3, lines 28-29).

Regarding claims 18 and 24, Brown discloses the processor receives frames at a first frame rate when the computer system is in the active mode and the processor receives frames at a second frame rate when the computer system is not in the inactive mode (column 5, lines 3-25, column 6, lines 63+).

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Regarding claims 19 and 23, Brown discloses the processor determines the frame property when the computer system is in the inactive mode and does not determine the frame property when the computer system not in the inactive mode (column 5, lines 3-26).

Regarding claim 21, Brown discloses the processor compares frames by comparing a weighted average brightness of the consecutive frames (column 3, lines 34-44, column 4, lines 34-67).

Regarding claim 22, all the limitations are contained in claim 15, therefore, see Examiner's comment regarding claim 15.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ng (US 6,058,238) discloses identifier generation and remote programming for individually addressable video cassette recorders.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is (703) 308-9297. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on (703) 305-4929.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

LN LN
12/18/2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600